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5 Attorneys for Defendants
THE GAP, INC., OLD NAVY, LLC, OLD NAVY
6 (APPAREL), LLC, and GAP (APPAREL), LLC.
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 KIM KARDASHIAN, an individual;
KIMSAPRINCESS INC., a California
12 Corporation,

13 Plaintiffs,

14 v.

15 THE GAP, INC., A Delaware
Corporation; OLD NAVY, LLC, a
16 Delaware Limited Liability Company;
OLD NAVY (APPAREL), LLC, a
17 California Limited Liability Company;
GAP (APPAREL), LLC, a California
18 Limited Liability Company; and DOES 1
- 10,

19 Defendants.
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CASE NO. LACV11-6568 DFS (MANx)
ANSWER

1 Defendants The Gap, Inc. ("The Gap"), Old Navy, LLC ("Old Navy"), Old
 2 Navy (Apparel), LLC ("Old Navy Apparel"), and Gap (Apparel), LLC ("Gap
 3 Apparel"), (collectively "Defendants"), answer the complaint (the "Complaint"), as
 4 follows:

5 1. Defendants are without knowledge or information sufficient to form a
 6 belief as to the truth of the allegations contained in Paragraph 1 and on that basis deny
 7 the allegations contained therein.

8 2. Defendants are without knowledge or information sufficient to form a
 9 belief as to the truth of the allegations contained in Paragraph 2 and on that basis deny
 10 the allegations contained therein.

11 3. Defendants admit the allegations contained in Paragraph 3.

12 4. Defendants admit the allegations contained in Paragraph 4.

13 5. Defendants admit the allegations contained in Paragraph 5.

14 6. Defendants admit the allegations contained in Paragraph 6.

15 7. Defendants admit that Plaintiffs purport to sue defendants Does 1 through
 16 10 by such fictitious names. Defendants are without knowledge or information
 17 sufficient to form a belief as to the truth of the remaining allegations contained in
 18 Paragraph 7 and on that basis deny the remaining allegations contained therein.

19 8. Defendants deny each and every allegation set forth in Paragraph 8.

20 9. The allegations contained in Paragraph 9 are conclusions of law to which
 21 no response is required. To the extent a response is required; Defendants deny the
 22 allegations of Paragraph 9.

23 10. The allegations contained in Paragraph 10 are conclusions of law to
 24 which no response is required. To the extent a response is required; Defendants deny
 25 the allegations of Paragraph 10.

26 11. The allegations contained in Paragraph 11 are conclusions of law to
 27 which no response is required. To the extent a response is required; Defendants deny
 28 the allegations of Paragraph 11.

1 12. Defendants are without knowledge or information sufficient to form a
2 belief as to the truth of the allegations contained in Paragraph 12 and on that basis
3 deny the allegations contained therein.

4 13. Defendants are without knowledge or information sufficient to form a
5 belief as to the truth of the allegations contained in Paragraph 13 and on that basis
6 deny the allegations contained therein.

7 14. Defendants are without knowledge or information sufficient to form a
8 belief as to the truth of the allegations contained in Paragraph 14 and on that basis
9 deny the allegations contained therein.

10 15. Defendants are without knowledge or information sufficient to form a
11 belief as to the truth of the allegations contained in Paragraph 15 and on that basis
12 deny the allegations contained therein.

13 16. Defendants are without knowledge or information sufficient to form a
14 belief as to the truth of the allegations contained in Paragraph 16 and on that basis
15 deny the allegations contained therein.

16 17. Defendants are without knowledge or information sufficient to form a
17 belief as to the truth of the allegations contained in Paragraph 17 and on that basis
18 deny the allegations contained therein.

19 18. Defendants are without knowledge or information sufficient to form a
20 belief as to the truth of the allegations contained in Paragraph 18 and on that basis
21 deny the allegations contained therein.

22 19. Defendants are without knowledge or information sufficient to form a
23 belief as to the truth of the allegations contained in Paragraph 19 and on that basis
24 deny the allegations contained therein.

25 20. Defendants are without knowledge or information sufficient to form a
26 belief as to the truth of the allegations contained in Paragraph 20 and on that basis
27 deny the allegations contained therein.

28 21. Defendants are without knowledge or information sufficient to form a

1 belief as to the truth of the allegations contained in Paragraph 21 and on that basis
2 deny the allegations contained therein.

3 22. Defendants are without knowledge or information sufficient to form a
4 belief as to the truth of the allegations contained in Paragraph 22 and on that basis
5 deny the allegations contained therein.

6 23. Defendants are without knowledge or information sufficient to form a
7 belief as to the truth of the allegations contained in Paragraph 23 and on that basis
8 deny the allegations contained therein.

9 24. Defendants are without knowledge or information sufficient to form a
10 belief as to the truth of the allegations contained in Paragraph 24 and on that basis
11 deny the allegations contained therein.

12 25. Defendants are without knowledge or information sufficient to form a
13 belief as to the truth of the allegations contained in Paragraph 25 and on that basis
14 deny the allegations contained therein.

15 26. Defendants deny each and every allegation set forth in Paragraph 26.

16 27. Defendants deny each and every allegation set forth in Paragraph 27.

17 28. Defendants deny each and every allegation set forth in Paragraph 28.

18 29. Defendants deny each and every allegation set forth in Paragraph 29.

19 30. Defendants deny each and every allegation set forth in Paragraph 30.

20 31. Defendants deny each and every allegation set forth in Paragraph 31.

21 32. Defendants deny each and every allegation set forth in Paragraph 32.

22 33. Defendants deny each and every allegation set forth in Paragraph 33.

23 34. Defendants deny each and every allegation set forth in Paragraph 34.

24 35. Defendants deny each and every allegation set forth in Paragraph 35.

25 36. Defendants deny each and every allegation set forth in Paragraph 36.

26 37. Defendants deny each and every allegation set forth in Paragraph 37.

27 38. Defendants deny each and every allegation set forth in Paragraph 38.

28 39. Defendants deny each and every allegation set forth in Paragraph 39.

- 1 40. Defendants deny each and every allegation set forth in Paragraph 40.
- 2 41. Defendants deny each and every allegation set forth in Paragraph 41.
- 3 42. Defendants deny each and every allegation set forth in Paragraph 42.
- 4 43. For its response to Paragraph 43, Defendants incorporate by reference
- 5 their responses to Paragraphs 1 through 42 as if set forth herein in full.
- 6 44. Defendants deny each and every allegation set forth in Paragraph 44.
- 7 45. Defendants deny each and every allegation set forth in Paragraph 45.
- 8 46. Defendants deny each and every allegation set forth in Paragraph 46.
- 9 47. Defendants deny each and every allegation set forth in Paragraph 47
- 10 48. Answering Paragraph 48, Defendants incorporate by reference their
- 11 responses to Paragraphs 1 through 42 as if set forth herein in full.
- 12 49. Defendants deny each and every allegation set forth in Paragraph 49.
- 13 50. Defendants deny each and every allegation set forth in Paragraph 50.
- 14 51. Defendants deny each and every allegation set forth in Paragraph 51.
- 15 52. Answering Paragraph 52, Defendants incorporate by reference their
- 16 responses to Paragraphs 1 through 42 as if set forth herein in full.
- 17 53. Defendants deny each and every allegation set forth in Paragraph 53.
- 18 54. Defendants deny each and every allegation set forth in Paragraph 54.
- 19 55. Answering Paragraph 55, Defendants deny the allegations contained
- 20 therein.

21 22 GENERAL DENIALS

- 23 56. Except as otherwise expressly admitted in Paragraphs 1 through 55,
- 24 above, Defendants deny each and every allegation contained in Paragraphs 1 through
- 25 55 of the Complaint, including, without limitations, the headings and subheadings
- 26 contained in the Complaint, and specifically deny liability to plaintiffs, or that
- 27 plaintiffs have suffered any legally cognizable damages for which Defendants are
- 28 responsible. Pursuant to Rule 8(d) of the Federal Rules of Civil Procedure, allegations

1 contained in the Complaint to which no responsive pleading is required shall be
 2 deemed denied. Defendants expressly reserve the right to amend and/or supplement
 3 their answer.

4 57. With respect to all paragraphs in the Complaint in which plaintiffs pray
 5 for damages or other relief, Defendants deny that plaintiffs are so entitled under the
 6 law.

8 AFFIRMATIVE AND OTHER DEFENSES

9 Defendants assert the following affirmative and other defenses. In asserting
 10 those defenses, Defendants do not assume the burden of proof with respect to any
 11 issue as to which applicable law places the burden of proof upon plaintiffs.

13 FIRST DEFENSE

14 The Complaint, and each and every claim stated therein, fails to state claim
 15 upon which relief can be granted.

17 SECOND DEFENSE

18 Defendants' advertising and related activities are protected by the First
 19 Amendment of the United States Constitution and Article I, Section 2 of the
 20 California Constitution inasmuch as such activities include significant informational
 21 elements and/or constitute a transformative use.

23 THIRD DEFENSE

24 Plaintiffs' claims for punitive damages cannot be sustained because California
 25 laws regarding the standards for determining liability for, and the amount of, punitive
 26 damages fail to give Defendants adequate prior notice of the conduct for which
 27 punitive damages may be imposed with the severity of the penalty that may be
 28 imposed, and they are void for vagueness in violation of Defendants' due process

1 rights guaranteed by the United States and California Constitutions.

2 Further answering, Defendants intend to rely upon any additional affirmative
3 defenses that become available during the course of investigation and discovery and
4 reserve the right to amend their Answer to assert those defenses.

5
6 PRAYER FOR RELIEF

7 WHEREFORE, Defendants pray for Judgment as follows:

- 8 (1) Dismissing plaintiffs' Complaint against them in its entirety;
9 (2) That Defendants be awarded their costs and disbursements, and to the
10 extent allowed by law, their attorney's fees; and
11 (3) For such other and further relief as the Court deems just and proper.

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13 DATED: September 30, 2011

/s/ Louis P. Petrich

14 LOUIS P. PETRICH
15 LEOPOLD, PETRICH & SMITH, P.C.
16 Attorneys for Defendants THE GAP, INC.,
17 OLD NAVY, LLC, OLD NAVY
18 (APPAREL), LLC, and GAP (APPAREL),
19 LLC.
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